

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SOUTH HILLS CATHOLIC ACADEMY,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT OF
HUMAN SERVICES, VALERIE A.
ARKOOSH, in her official capacity as
Secretary of the Pennsylvania Department
of Human Services, OFFICE OF CHILD
DEVELOPMENT AND EARLY
LEARNING, BUREAU OF
CERTIFICATION, SHARON ARABIA, in
her official and individual capacities as
Acting Director, Office of Child
Development and Early Learning,
KRISTEN COURT, in her official and
individual capacities as a Certification
Representative for the Department of
Human Services, Office of Child
Development and Early Learning, Bureau of
Certification, JOYCE PURCELL, in her
official and individual capacities as a
Certification Representative for Department
of Human Services, Office of Child
Development and Early Learning, Bureau of
Certification, AMY CARNICELLA, in her
official and individual capacities as Counsel
for Department of Human Services, Office
of Child Development and Early Learning,
Bureau of Certification, and EUGENE
CUCCARESE, in his official and individual
capacities as Counsel for Department of
Human Services, Office of Child
Development and Early Learning, Bureau of
Certification,

Defendants.

CASE NO. 2:24-cv-00676

**PLAINTIFF'S MOTION FOR ENTRY OF
A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Jury Trial Demanded

**PLAINTIFF’S MOTION FOR ENTRY OF A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiff, South Hills Catholic Academy (the “School”), by and through its undersigned Counsel, respectfully move this Court for the entry of a Temporary Restraining Order and the scheduling of a hearing date on Plaintiff’s request for a Preliminary Injunction as soon as possible pursuant to Fed. R. Civ. P. 65, and in support thereof avers as follows:

1. Plaintiff filed their initial Complaint with this Honorable Court at the above-referenced docket number on May 6, 2024.

2. Plaintiff incorporates by reference in its entirety their Verified Complaint in this Action.

3. Plaintiff has no other remedy at law.

4. Plaintiff is likely to succeed on the merits of its claims.

5. Plaintiff will suffer irreparable injury if preliminary relief is not granted.

6. Greater harm will be suffered by Plaintiff by the denial of preliminary relief than from its grant.

7. The grant of preliminary relief, which will enjoin defendants from unlawfully entering Plaintiff’s property via search warrant or any other unlawful entry, is in the public interest.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

i. grant a temporary restraining order substantially in the form on the attached Proposed Order to Show Cause for Preliminary Injunction and Temporary Restraining Order; and

ii. set a hearing date on Plaintiff's Motion for Preliminary Injunction as soon as practicable.

Respectfully submitted,

STRASSBURGER McKENNA
GUTNICK & GEFSKY

By: /s/ Kathryn L. Clark

Kathryn L. Clark

Pa. I.D. No.: 80201

kclark@smgglaw.com

Alan T. Shuckrow

Pa. I.D. No.: 74586

ashuckrow@smgglaw.com

Gretchen E. Moore

Pa. I.D. No. 202103

gmoore@smgglaw.com

Counsel for Plaintiff

JURY TRIAL DEMANDED